

ENTERED

October 25, 2018

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

GEORGE WESLEY MARTIN,

§

Plaintiff,

§

v.

§ CIVIL ACTION NO. H-18-0881

TRACY GILBERT, *et al.*,

§

Defendants,

§

**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION AND
DISMISSING PLAINTIFF'S FEDERAL CLAIMS WITH PREJUDICE AND ANY
STATE-LAW CLAIMS WITHOUT PREJUDICE**

This court has reviewed the Memorandum and Recommendation of United States Magistrate Judge Bryan signed on October 10, 2018, and made a *de novo* determination. FED. R. CIV. P. 72(b); 28 U.S.C. § 636(b)(1)(C); *United States v. Wilson*, 864 F.2d 1219 (5th Cir. 1989). Based on the pleadings, the record, and the applicable law, the court adopts the Memorandum and Recommendation as this court's Memorandum and Order. This court finds and concludes that dismissal was properly granted and the complaint properly dismissed without leave to amend because amendment would be futile. The Magistrate Judge's recommendations to dismiss Martin's federal claims under 43 U.S.C. § 1983 are consistent with and supported by the applicable legal standards and with the allegations in the complaint. The complaint's deficiencies preclude leave to amend as futile. Any state-law claims are dismissed without prejudice for lack of subject-matter jurisdiction.

SIGNED on October 25, 2018, at Houston, Texas.



Lee H. Rosenthal
Chief United States District Judge